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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,065	01/21/2004	Mattias Klasson	2.S649.12US.457	4592
7590 04/03/2006			EXAMINER	
Ronald R. Santucci FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151			HARTMAN JR, RONALD D	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 04/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,065

Applicant(s)

KLASSON ET AL.

Examiner

Ronald D. Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 11, lines 14-15, "coefficients for a control algorithm and/or a control algorithm" is redundant. This deficiency is also resident in claims 13, 17 and 19 and should also be addressed accordingly.

Claim 11, steps (a), (b) and (c) never explicitly claim that the recording of data occurs in the memory and therefore "the data recorded in memory" of lines 15-16 is improper. This deficiency is resident in claims 13, 17 and 19 and should also be addressed accordingly.

Claims 15-16 and 21-22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. That is, claims 11, 13, 17 and 19 already recite a means for computing, and since the applicant has not provided another means, within the context of the specification, which may accomplish the method, it would appear that claims 11, 13, 17 and 19 adequately disclose a means for performing the method by claiming a computing means, and therefore dependent claims 15-16 and 21-22 failure to further limit the claims from which they depend.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As per claims 11-14 and 17-20, the claimed invention is directed to non-statutory subject matter. That is, as currently presented there is no "tangible result" claimed. The claims merely represent computational steps which take place to provide a result,

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however, this result is not utilized in a tangle way such as by actually "controlling the solar protection and/or lighting devices using the modified control algorithm".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Mueller et al., U.S. Patent Application Publication No. 2005/0275626.

As per claims 11, 13, 15-17, 19 and 21-22, Mueller et al. teaches a configuration method for an installation comprising lighting device controlled by a central unit, the central unit comprising a memory, computing means and user interface, the method comprising:

- a step in which over all of the lighting devices, the following steps occur:
 - entry and recording of data defining the type of lighting devices; and
 - entry and recording of data defining a desired visual comfort level;
- a step of iterative calculation over all of the lighting devices, whereby for each device, coefficients for a control algorithm for controlling the device, are calculated based on the recorded data in memory and based on general information characterizing the different types of lighting devices in memory; and
- modifying the control algorithm in order to manage conflicts and interactions between different devices.

All of the aforementioned features are taught by a system that allows a user of computer (equating to the central unit with memory, computing means and user interface) the ability to configure lighting devices. The claimed invention may be

interpreted to be functionally equivalent to a system in which a user enters (equates to the entry steps) information about the lighting device (equates to the *type* of lighting device) and then enters information about a desired visual comfort level (Note: How does one define comfort exactly? The meets and bounds of comfort cannot be ascertained by the claim since this term appears to be subjective in nature, therefore, for examination purposes it has been interpreted to be the functional equivalent of entering information about how the light should operate and therefore may be simply whether the light should be on or off, based on the decision of the user). All of the aforementioned features are adequately disclosed by Mueller et al. (e.g. See Figure 5 for “types” of lights with “intensity” settings for each “type”, Figure 27 for a “discover lights” feature using a GUI, Figure 30 for light “addressing” and “identification, Figure 35 for “group light creation”, Figure 37 for “group editing”, Figure 40 for “parameter selections” for group lighting using effects, Figure 46 for “color selection” for custom light output, Figure 53 for “light fading” options and Figure 64 for light “zones” and “schedules”).

Also, the applicants claiming of conflict resolution appears to be adequately anticipated by Mueller et al. as well (e.g. See [0291] in which conflict resolution is disclosed for making sure if conflicting effects are programmed or competing for resources, that there is a way to resolve the conflict).

As per claims 12, 14, 18 and 20, Mueller et al. teaches a single item of data (e.g. See [0190] for light addressing using identifiers).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

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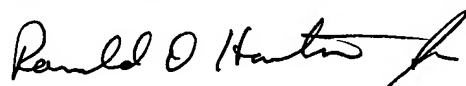
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Patent Examiner

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A handwritten signature in black ink, appearing to read "Ronald D Hartman Jr.", with a stylized flourish at the end.

RDH

March 30, 2006